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Docket No.: 4481-045

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David Finlay TAYLOR

U.S. Patent Application No. 10/084,498

Group Art Unit: 2631

Filed: February 28, 2002

Examiner: Freshteh N. AGHDAM

For: NETWORK MEASUREMENT METHOD AND APPARATUS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Abandonment mailed August 17, 2006, attorney for applicant petitions to withdraw holding of abandonment. Attached is a copy of the Issue Fee Transmittal filed in the U.S. Patent and Trademark Office on June 15, 2006, along with a credit card form. The Issue Fee Transmittal shows that the USPTO received our credit card form. Unfortunately, our credit card form indicated the incorrect application number and attorney docket number. A copy of our facsimile transmission is also attached.

Due to the typographical error, it is respectfully requested that the Notice of Abandonment be withdrawn. If this Petition is denied, attorney for applicant herewith submits a Petition for Revival On An Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-
LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
ON THE DATE SHOWN BELOWTracy A. Luke
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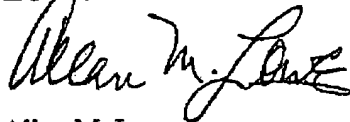
U.S. Patent Application No. 10/084,498

Attorney Docket No. 4481-045

The Commissioner is hereby authorized to charge any necessary fees and/or credit any overpayments to Deposit Account No. 07-1337.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Allan M. Lowe
Registration No. 19,641

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October 17, 2006

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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7390 04/14/2006

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUFE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Donna L. Lizama (Depositor's name)
June 15, 2006 (Signature)

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PTO/SB/64 (10-01)

Approved for use through 10/31/2006; OMB 0651-0031

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**PETITION FOR REVIVAL ON AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

4481-045First named inventor: **David Finlay TAYLOR**Application No. **10/084,498**Art Unit: **2611**Filed: **February 28, 2002**Examiner: **Freshteh N. AGHDAM**Title: **NETWORK MEASUREMENT METHOD AND APPARATUS**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please
contact Petitions Information at (703) 305 9282The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The due date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus extension of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant
applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the delay entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**

The form of _____ (identify type of reply)

☐ has been filed previously on _____☐ is enclosed herewith.**B. The issue fee of \$1,700.**☒ has been filed previously on June 15, 2006.☐ is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the
amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO
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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit information and authorization on PTO-2038.

October 17, 2006
Date

Allan M. Lowe
Signature

Allan M. Lowe, Reg. No. 19,641
Typed or printed name

Telephone
Number (703) 884-1111

LOWE HAUPTMAN & BERNER, LLP
CUSTOMER NO. 22429
1700 Diagonal Road
Suite 300, Alexandria, Virginia 22314
Address

- Enclosures: ☒ Fee Payment (If to be charged, fees are to be charged to Deposit Account No. 07-1337)
- ☐ Reply
- ☐ Terminal Disclaimer
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
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- October 17, 2006
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Melissa P. Satorre
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